

City of Taylorsville
Planning Commission Meeting
Minutes
Tuesday – February 8, 2005 – 7:00 P.M.
2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Angelo Calacino, Chair
Dama Barbour
Ted Jensen
Phil Hallstrom
Blaine Smith
Joan Rushton-Carlson
Excused: Kristie Overson, Aimee Newton

Community Development Staff

Mark McGrath, Director
Dan Udall, City Planner
Nick Norris, City Planner
Jean Gallegos, Secretary/Recorder
Excused: Michael Maloy, City Planner

PUBLIC: Kevin Kelter, Ken Kelter, Shannon Symes, Lisa Hildebrand, Kathy Wood, Jack Lucas, Arvel Beckstead, Chris Malovich, Craig Baker, Susan Baker, Paul Kelley, Don Perkins, Judy Perkins, Priscilla Jones, Rene Knudsen, Nate Barton, Angela Bullock, Morris K. Pratt, Marv Mackay, Bob LeFever, Tom Bateman, Mark Flinders, Linda Deyor, Tyler Williams

WELCOME: **Commissioner Calacino** welcomed those present, explained the procedures to be followed this evening and opened the meeting at 7:00 p.m.

HOME OCCUPATIONS

1. 1H05 **Carmen Mendoza, 5349 South Ferncrest Circle (2965 West)** – Family Day Care.
Nick Norris/City Planner.

1.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is requesting a Class D3 Home Occupation Conditional Use Permit to operate a Family Day Care from her home. Up to 10 children would be attending the day care per day, including the caregiver's three children. The proposed hours of operation are 7:00 a.m. to 5:00 p.m., Monday through Saturday. The applicant has operated a day care from her previous residence in Taylorsville and wants to move the day care center to her new home. Staff received a comment from one of the neighbors, which was very much in favor of approving this use. **Staff recommends approval subject to the following conditions:**

1.1.1 That the applicant receives approval and remains compliant with all applicable reviewing agencies.

1.1.2 The applicant adheres to and remains compliant with Taylorsville Ordinances 13.57.050 Operational Requirements and 13.57.057 Specific Operational Requirements – Class D Home Occupation.

1.1.3 That the outdoor play area be used no earlier than 8:00 a.m.

1.1.4 That no more than ten children, including the caregiver's own children under age six and not yet in full day school attend.

1.1.5 That the child drop off area be located in the driveway and that a safe means for the children to access the dwelling be provided.

1.1.6 That the day care does not detract from the residential character of the dwelling.

1.1.7 That only a name plate sign, attached to the main building and no larger than three square feet be allowed.

1.1.8 That the conditional use permit is reviewed upon substantiated or unresolved complaint.

1.2 **APPLICANT ADDRESS:** Carmen Mendoza. (Was not present)

1.3 **SPEAKING:**

1.3.1 **Craig Baker (lives to the rear of this site).** Mr. Baker said they were neither informed nor asked by the Mendoza's if it would be okay to put a small business in a residential area. He had spoken to several of the neighbors who also expressed concern about a small business being operated within the neighborhood. He listed his main concern being the increase in traffic and the noise factor of having ten children being in such close proximity to his back yard. He commented that there is a known pedophile living in this vicinity, which was a great concern to him for the safety of the children. (7:05:08)

1.3.2 **Marv Mackay (lives next door to the south of this site).** Mr. Mackay's concern was about the traffic situation involved with this specific cul-de-sac, especially in the morning hours when it is very busy. He wanted some assurance from the applicants that they will maintain adequate traffic control there. One specific day of concern is Thursday mornings when the garbage trucks come through there.

1.4 **DISCUSSION/CLOSED:** Commissioner Hallstrom commented on the issue of having child care centers in residential areas in the City. He felt it was true that certain kinds of uses should not be allowed within a residential neighborhood, however, that child care services seem to fit well. He went on to say that normally the people who frequent these uses are from within the same neighborhood. There is the condition on each of these for review upon complaint, so neighbors do have that option if problems arise. Commissioner Rushton-Carlson advised the neighbors that although there will be ten children, three of them are already living in the home and also that the hours of operation end at 5:00 p.m. so it should not be interrupting anyone's private time. Commissioner Barbour's thoughts were that it would be presumptuous to deny this based on something that might or might not happen in the future.

1.5 **MOTION:** Commissioner Barbour - I would like to move that we approve Application 1H05 with all of staff's conditions, one of those being review upon complaint. (7:11:07)

SECOND: Commissioner Hallstrom

DISCUSSION: 19:11:22 Commissioner Calacino - Because we do not have the applicant here tonight, I think it may be appropriate to consider whether or not we need to continue this to our next meeting because there was a neighbor who spoke against this. Commissioner Jensen - I agree. Commissioner Hallstrom - I disagree on the basis that the Commission has done this repeatedly in numerous instances within the last year and given approvals because it was felt the application would work and it has worked. This lady has not had any problems at all with the neighbors and even through she is not here, I see no reason to deny this application.

VOTE:

Commissioner Hallstrom - AYE

Commissioner Rushton-Carlson - AYE

Commissioner Smith - AYE

Commissioner Barbour - AYE

Commissioner Jensen - AYE

Motion passes unanimously. 19:12:53

2. 2H05 **Shannon Symes, 4643 S. 1175 W.** - Family Day Care. (Dan Udall/City Planner)

19:14:10

2.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is requesting a family day care at her home for up to eight children per day. One child living in the home will be attending this day care. Proposed hours of operation are from 6:00 a.m. to 6:00 p.m., Monday through Friday. There is a long driveway that accesses the garage in the rear. Parking is available in the front of the home as well as the rear of the home. **Staff recommends approval subject to the following conditions:**

2.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.

2.1.2 That a maximum of eight children can attend the family day care home occupation each day. The designated number of children includes the caregiver's own children under the age of six who are not yet in full day school.

2.1.3 The home occupation is subject to review upon complaint.

2.1.4 The outdoor play area shall consist of a minimum of 40 square feet in area per child. That the hours of operation for the outdoor play area shall not exceed 8:00 a.. to 8:00 p.m.

2.1.5 The outdoor play area shall be secured by an appropriate, well-maintained fence not less than four feet in height. The Planning Commission may require a fence that exceeds four feet in height as it determines necessary. This fenced in area includes the usable rear yard for the home.

2.1.6 The dwelling unit should provide an indoor play area at a minimum of 35 square feet in area per child.

2.1.7 A minimum of two parking spaces shall be provided for clients, customers or patrons in addition to required residential parking.

2.1.8 A maximum of one name plat sign is allowed to be attached to the single-family home. The sign is allowed to be three square feet.

2.1.9 That the home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes. [19:15:31](#)

2.1.10 The dwelling unit and landscaped areas shall be well-maintained.

2.2 **APPLICANT ADDRESS:** **Shannon Symes** was present.

2.3 **SPEAKING:**

2.3.1 **Paul Kelley (Lives on Turnberry Place southeast of this site).** He felt that 1175 West is one of the most dangerous streets in the City because it is very narrow and has no sidewalks, so people have to walk in the street. He said the backset from the road on the Symes' home appears deeper than it actually is and people dropping off their children would have to pull in and back out of this site into the roadway. He advised that there is already a day care center within 500' of this property on the corner of 4700 South and 1175 West, therefore, felt there was no need to have another day care in that neighborhood.

2.3.2 **Shannon Symes. Mrs. Symes** commented that there is an area in the back where vehicles can turn around and come back out. There will be parking available for the customers. She advised she has lived there for 30 years and has never felt it to be unsafe. **Commissioner Jensen** asked if she anticipated having a lot of children being dropped off before 8:00 in the morning and she said it would not be before 8:00 but more likely between 8:00 and 8:30 a.m. and leaving between 6:00 and 6:30 p.m. He asked if the fencing around the back would be 6' in height. She said that was correct and presently there is a gate that closes it off but she wanted to have the parents being able to park in the back. There is a big lawn area in the back yard with a swing set which she would like to have blocked off so when parents drop off their children it will be safer. **Commissioner Jensen** added that City ordinance requires that parking for customers be located in the front or on the side. **Mrs. Symes** advised that there is sufficient room on the side of the home for that. **Commissioner Barbour** asked staff if there would be any reason that if they dropped the children off at the side and made sure they were safely inside, that they could not make the turn around in the back and come back out and alleviate the backing onto the street. Mr. Udall advised that would not be a problem. **Commissioner Jensen** asked if the turn around area then would have to be fenced off and was told that would not be necessary because at that point the children would already be safely inside the home. **Commissioner Calacino** said that the City ordinance requires that parking be located on the side or in the front but does not prevent maneuvering of vehicles on the property. As long as the rear yard play area is fenced, all requirements have been met. [19:21:39](#)

2.4 **DISCUSSION/CLOSED:** **Commissioner Hallstrom** commented that he would be very concerned about this application were it not for the ability to move the cars on the property and for that reason saw no problem with this use.

2.5 **MOTION:** [19:22:43](#) **Commissioner Hallstrom** - I would move for approval of this application in accordance with the requirements and for the reasons staff has given, along with those comments that have come up during discussion this evening.

SECOND: **Commissioner Rushton-Carlson.**

VOTE:

Commissioner Hallstrom – AYE

Commissioner Rushton-Carlson – AYE

Commissioner Smith – AYE

Commissioner Barbour – AYE

Commissioner Jensen – AYE

Motion passes unanimously

GENERAL PLAN MAP AMENDMENT

-
3. 5G04 **D.R. Horton, Approximately 4246 S. 2200 W.** – General Plan Map Amendment from “Medium Density Residential” to “High Density Residential”.
-

[19:24:54](#)

3.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant, D.R. Horton, is requesting this change in order to expand their original request to include two additional lots to the north and to provide 18 units on the site. Originally the applicant only requested six units on .67 acre. The property is now located on 1.56 acre and the applicant is proposing 11.5 units per acre.

- The General Plan for “High Density Residential” allows up to 12 units per acre. This text amendment was recently adopted by the City Council. Each building will be providing three residential units. The project would be a planned unit development condominium project. Two existing single-family homes and one duplex are located on the site.
- The biggest issue in regards to this project is that there is an offset between the private lane and Mantle Avenue. Staff feels that this offset is a major safety hazard because of left turn conflicts on 2200 West.
- The applicant has the option of placing four buildings on the south side of the private lane and two on the north, or the applicant could use the lane north of the project which accesses Watchwood condominiums and then come south to the west.
- There are other options available to the applicant, i.e., the applicant is proposing an emergency access gate on the west side of the private lane. The Fire Department is okay with that option but would prefer that the private lane align with Mantle Avenue, which would essential negate the need for that emergency access.

Staff recommends denial of this application because the street offset between the proposed private road and Mantle Avenue is a safety hazard.

3.2 **APPLICANT ADDRESS:** **Bill Peperone.** **Mr. Peperone** advised he wished to address the site plan issues. About a week previous, he had met with the City Engineer to discuss the road conflict, at which time they worked out a plan they felt was acceptable to line up the intersection at the south boundary.

- **Commissioner Hallstrom** said that the problem with that would be having it line up to the south edge of the pavement strip. He said that the non-private street would have curb, gutter and planting strips and the private road would have none of those. He suspected this would make the alignment being with the center line of the street roughly in line with the curb and gutter, which did not meet the spirit of the project. **Mr. Peperone's** comment was that the site plan being shown tonight is exactly what the City Engineer approved. [19:33:00](#)
- **Commissioner Calacino** commented that the only issue before this body this evening is to make a recommendation as to whether or not to amend the General Plan to change this from medium density to high density. He asked Mr. Peperone if they could say they can develop a project on this site that would meet the intent of what the City's General Plan is and make a good design, etc., that would cause the Planning Commission to make a positive recommendation to allow a designation in the land use. **Mr. Peperone** said they could do 3.8 parking spaces per unit, which is way above City requirements and also provide 45% open space, which he felt was extremely generous for a PUD. He went on to say the reason for the original design was to accommodate having the water line run as straight as possible and to keep it under the asphalt for easier access. [19:36:10](#)
- **Commissioner Rushton-Carlson** said she has concerns because the General Plan was just re-accomplished designating this site to medium density, even though not formally adopted at this time and she felt a move to high density in this area would be contrary to what the City wants. [19:36:48](#) **Mr. McGrath** indicated that State law says that anytime a City adopts a General Plan, it cannot be amended for at least one year. At this point, the Plan has not been adopted and is being finalized for presentation to the City Council. It will probably be at least six months until official adoption. Regardless of all of that, it is important that a Plan be flexible so that it can address changes in circumstances, which is exactly what this is. There is an opportunity here to take care of what has been a major problem to the community for a long time and get a decent development out of it. **The applicants have addressed staff's primary concern, however,**

there are still some site plan issues on the project that can be resolved at the Conditional Use level and staff is prepared to change the recommendation now to one of approval. When the recommendation for medium density was proposed, this project was not a proposal to consider. [19:39:44](#)

- **Mr. Peperone** commented that in spite of the condition of the proposed General plan, he felt that redevelopment to the property is beneficial to the neighborhood. They have removed 250 tons of garbage from this site already at a cost of \$10,000 and it is not finished yet. [19:38:01](#)

3.3 **SPEAKING:**

3.3.1 **Nate Barton (Lives at 2264 West 4260 South, which is at the southwest corner of this parcel).** **Mr. Barton** acknowledged that this site has been unsightly and the applicant has removed a great deal of garbage there from. His concern along the south boundary is that by having high density, with four buildings on one side and two on the other, it puts the four units right up against Mr. Barton's fence line. The original plan showed the setback at 10' from the property line. To the north there are no homes impacted, just the street into Watchwood Condominiums. **Mr. Barton** is not opposed to a development going in, just concerned that all the units will be right against his property line and the area, while the area near the street is all green space. **Commissioner Calacino** advised Mr. Barton that tonight's meeting is not to discuss the project itself, just the General Plan amendment. **Mr. Barton** said nevertheless he was very concerned about approving this for high density. **Commissioner Calacino** offered the clarification that if a recommendation is made this evening by the Planning Commission, it would be just to amend the General Plan to change this area to high density housing, which would basically allow them to add a few extra units. That does not guarantee a specific design but the Commission did need to see something this evening to show that the property could be developed to accommodate a certain number of units. The specific design, which would talk about rear yard setbacks, would be taken up at a later date as an application for conditional use. **Commissioner Hallstrom** commented that it was his understanding that the applicant is in favor of the plan submitted this evening. **Mr. Barton** said that the houses are further away from the property line on the original drawing than the one presented this evening. **Commissioner Hallstrom** asked if that meant that he would prefer the original placement of the homes rather than having four units on the south side. **Mr. Barton** said that his concern was having the structures right up to his property line. That he is not opposed to the site being developed but was just concerned about the implications of it being high density. [19:43:37](#)

3.3.2 **Arvel Beckstead (Lives right next to Mr. Barton).** **Mr. Beckstead** commented that he wanted to thank Mr. Peperone for all the positive reinforcement he has put forth to keep the neighbors update on issues. If that continues, Mr. Beckstead advised that he was in favor of this proposal to change the General Plan. [19:44:53](#)

3.3.3 **Mark Flinders (Represents the Homeowner's Association at Watchwood Condominiums).** **Mr. Flinders** commented on the access from this site through Watchwood saying that would not be something the Watchwood community would want to allow, other than the emergency gate as was previously proposed. He added that it was highly unlikely to allow access from the north end, which is the main entrance. Other than those issues, Watchwood is looking forward to seeing this site developed. **Commissioner Barbour** asked if the opening through Watchwood would not be beneficial for them and Mr. Flinders was emphatic that it would not, especially because of the extremely narrow streets. [19:48:35](#)

3.3.4 **Bob LeFever (Lives on Mantle Avenue and 2200 West, directly across the street east from the northern-most corner of the property line).** **Mr. LeFever's** concern is about the high density rating due to there being a school crossing right on the corner where the northern boundary of the division would be. His question was if the City was willing to put all of Taylorsville in a high density area or just pick and choose. He thought the interest of the City was in keeping the average level at medium. The high density would add a lot of traffic along 2200 West and felt that the project would be better left at medium density. **Commissioner Hallstrom** wanted to make everyone understand that the change to high density would only increase the number of units from nine units per acre to 11 units per acre on this 1.5 acre parcel. [19:51:05](#)

3.3.5 **Priscilla Jones (Lives at the end lot of Watchwood nearest to this proposed project).** [19:51:16](#) Her concern was if the original conversation addressed there being nine units or less than that. **Commissioner Calacino** informed her that the original proposal was for just nine units, however, the developer has been able to buy additional land to the north and is now proposing three additional buildings. **Mrs. Jones** commented that the high density has a direct effect on how the driveways and homes will be positioned down the road. **Commissioner Calacino** advised that the difference between medium and high density is two units on this particular site. **Mrs. Jones** said that even two extra units was a concern to her. When this was all presented as high density to the neighbors, one issue was that all they needed an escape system with opening of the roadway through Watchwood. For information, she added that it is an extremely narrow road and all the garages face that road and there are several very small children who live in that vicinity and she was very concerned for their safety and well being if that

road were to be opened for through traffic. She added that if that is a condition for establishing the high density, then it will not work. Mrs. Jones asked the Commissioners consider the fact that she will be directly and daily impacted by this and still has many unanswered concerns. [19:53:50](#)

3.3.6 **Lisa Hildebrand** (Lives in the small white house presently located on this site). She admitted that her home is very run down and that the place next to hers is in even worse condition. She doesn't have the means to upgrade her home and is supportive of the project as proposed by D.R. Horton as being a major improvement of the whole parcel.

3.3.7 **Tom Bateman** (Lives in Watchwood Condominiums). **Mr. Bateman** felt that the General Plan amendment needs to be approved but he has one concern and suggested that the developer stay with the medium density designation and make the units nicer in order to charge more and recoup their investment without the high density. [19:55:39](#)

- 3.4 **MOTION: Commissioner Rushton-Carlson** - The staff indicated in the pre-meeting that their main concern in changing this from medium to high density was due to the safety hazard with the offset roadway. If that can be worked out satisfactorily, it looks like the neighbors would all benefit from having this type of project on this site. [19:57:03](#) For those reasons, I would like to move for approval from the medium density to high density only if the roadway can be accommodated satisfactorily for safety. **Commissioner Calacino** - [19:57:18](#) Point of clarification. We are not approving but rather making a recommendation to the City Council. **Commissioner Rushton-Carlson** - Correct, I would change my motion to say we are recommending approval to the City Council to amend the General Plan to change from medium density to high density only if the roadway can be accommodated satisfactorily for safety. **Commissioner Barbour** - My only comment would be that the developer, as well as all those who have taken their time to come out this evening, which is very much appreciated, understand that this is just a recommendation for the change of the General Plan. We are not dealing tonight with where the buildings will set on the lot or what they are going to look like. There will be another hearing. [19:58:18](#)

SECOND: Commissioner Hallstrom.

VOTE:

Commissioner Hallstrom – AYE

Commissioner Rushton-Carlson – AYE

Commissioner Smith – AYE

Commissioner Barbour – AYE

Commissioner Jensen – AYE

Motion passes unanimously

CONDITIONAL USES

4. 1C05 **Kay Cunningham, 2301 W. Rams Gate Circle** – Animal Fancier Permit. (Dan Udall/City Planner)

4.1 **Mr. Udall** oriented on the site plan, aerial map and images. The applicant is asking for a conditional use permit to allow three dogs and three cats on her property. The reason the application is before the Planning Commission is because the applicant received a notice on the door from Animal Services. **Staff is recommending approval with the following conditions:**

4.1.1 That the use is reviewed upon by complaint with all requirements of applicable reviewing agencies.

4.1.2 Conditional Use Permit is subject to review upon substantiated and unresolved complaints (complaints that cannot be resolved by City staff or Salt Lake County Animal Services personnel may be grounds for permit revocation).

4.1.3 Fancier's permit shall be limited to the three dogs and three cats now on the property.

4.1.4 The applicant needs to apply to all requirements that are applicable under Chapter 8 (Animal Permit Regulations).

4.2 **APPLICANT ADDRESS:** Kay Cunningham was present and asked the Commission for permission to have more than two dogs and also to have more than two cats. The extra animals she has were abandoned by their owners and she took them in for safe keeping. She said the animals are very docile and have been therapeutic in helping her through health issues. She advised that the back yard is fenced off from the front yard in order to protect her animals from the taunting of the children who walk along the sidewalk. Commissioner Jensen asked if the applicant knew the difference between an Animal Fancier's Permit and an Animal Hobby Permit. She replied that she felt like she knew the difference but was not entirely certain. Commissioner Jensen advised her that a Hobby Permit is for animals who are spade or neutered and a Fancier's Permit is essentially for the purpose of breeding and do have to be registered with a recognized kennel club. Mrs. Cunningham expressed her intention to have all her animals sterilized and Commissioner Jensen counseled her that she may then want to change this application for a Hobby Permit, to which she agreed.

4.3 **SPEAKING:** None.

4.4 **MOTION:** Commissioner Barbour - 20:04:11. I move that File 1C05 be approved with staff's recommendations, which as always includes review upon complaint.
SECOND: Commissioner Smith
VOTE:
Commissioner Hallstrom – AYE Commissioner Rushton-Carlson – AYE
Commissioner Smith – AYE Commissioner Barbour – AYE
Commissioner Jensen – AYE
Motion passes unanimously

5. 42C04 **Ena May, 4824 S. 3475 W.** - Animal Hobby Permit for Three Dogs. (Nick Norris/
City Planner)

5.1 **Mr. Norris** oriented on the site plan, aerial map and images.

5.1.1 On December 14, 2004, the Planning Commission denied this application. The applicant appealed the decision to the City Council, who subsequently remanded the item back to the Planning Commission for consideration. As part of the appeal, the applicant submitted signed letters from several of her neighbors, stating that the dogs were not a problem and were not running at large. The applicant is requesting approval for a total of three adult dogs on a 9,000 square foot parcel. One animal is a 4 year old Pit Bull, the other is an 8 year mixed breed. The third dog is a 13 year old mixed breed. The application was submitted as a result of an unsubstantiated complaint filed with Taylorsville City and Salt Lake County Animal Services and City Staff has not had any specific negative complaints regarding the dogs.

5.1.2 Staff feels that the input received prior to the meeting which was in opposition to this application was directed more towards the animal type permit in general and not directly towards this application. Unless more input is received between the publication of this staff report and during the public meeting, staff feels that the comments received to date do not justify denying this application. **Staff recommends approval of this application with the following conditions:**

5.1.2.1 Receive approval from and remain compliant with all requirements of applicable reviewing agencies (i.e., Salt Lake County Animal Services, Salt Lake Valley Health Department, etc.).

5.1.2.2 Applicant shall comply with all requirements of the animal hobby permit as stated within the City of Taylorsville Code of Ordinances, Title 8, animals.

5.1.2.3 Conditional use permit is subject to review upon substantiated and unresolved complaint. Complaints which cannot be resolved by City staff or Salt Lake County Animal Services personnel may be grounds for permit revocation.

5.1.2.4 That the gap under the gate located on the north side of the property is filled in to prohibit an animal from crawling under it.

5.2 **APPLICANT ADDRESS:** Ena May was present and explained the request was for her 13 year old dog which is now blind. She asked permission to keep it and care for it until it passes away. Commissioner Jensen asked what type of mix the dog was. Mrs. May replied that it was a Pit Bull but a mix with another unknown type of breed. She advised that she has letters from her immediate neighbors saying they have no problems with any of her

animals and her neighbor who lives directly behind her is present tonight to speak. **Commissioner Barbour** asked if she has had the animal for its entire life, to which **Mrs. May** replied she had not but that it has been in the family. She added that the dog has been neutered but not licensed. The other two dogs have been licensed. **Commissioner Rushton-Carlson** asked staff if the Hobby Permit for three dogs was approved now and this dog dies, is the applicant automatically approved to continue to have three dogs? **Mr. Norris** advised that there has been some debate over that issue and Salt Lake County Animal Services has determined that the approval is "dog specific" for the third dog.

5.3 **SPEAKING:**

5.3.1 **Linda Devor** (Neighbor to the rear). She advised that there has never been any problems with Mrs. May's three dogs and was supportive of approving this application because Mrs. May takes excellent care of the animals.

5.3.2 **Tyler Williams** (Next door neighbor). He was supportive of approving this application because there have never been problems with these dogs.

5.4 **WRITTEN COMMENTS:**

- **Dale A. Bowman** (4806 S. 3475 W.) - Dogs have never been a problem.
- **Blaine Wood** (4814 S. 3475 W.) - Dogs have never been a problem.
- **Timi Martinez** (4832 S. 3475 W.) - Dogs have never been a problem.
- **Larry L. Gardner** (3551 W. 4850 S.) - General concerns, especially regarding the Pit Bull breed. No specific complaints against these dogs.
- **Delwin Wells** (3540 W. 4850 S.) - General concerns about the type of breed. Did not want to set a precedent for everyone to have more than two animals.
- **Anonymous** - General concerns about animals running loose in the neighborhood.

5.5 **DISCUSSION/CLOSED:** **Commissioner Hallstrom** said it seemed to him that when the application was turned down previously, the Commission was under the impression that there was opposition to the application from the neighbors. It now seems like the opposition is generic in nature and not directed to these specific animals.

5.6 **MOTION:** **Commissioner Hallstrom** - In view of the fact that there is no one in attendance this evening expressing opposition to this application, I find no substantiating reason why it should not be approved. Therefore, I would move for approval in accordance with staff recommendations and on the basis of information heard this evening.

SECOND: **Commissioner Smith.**

VOTE:

Commissioner Hallstrom – AYE

Commissioner Smith – AYE

Commissioner Jensen – AYE

Motion passes unanimously

Commissioner Rushton-Carlson – AYE

Commissioner Barbour – AYE

6. 2C05 **KL & KL Investments, 3269 W. 5400 S.** - New Office Building. (Nick Norris/City Planner)

NOTE: Items 6 and 7 will be heard together.

[20:15:19](#)

6.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant is proposing to build a new 10,000 square foot office building on a 1.06 acre lot. **Staff recommends approval with the following modifications and conditions:**

6.1.1 That the applicant receives approval from all applicable agencies.

6.1.2 That stacked stone wainscoting is installed along the front and sides of the building.

6.1.3 That curb, gutter, park strip and sidewalk be installed to City standards.

6.1.4 That all work that is to take place within the public right-of-way e property permitted and bonded for.

- 6.1.5 That the park strip be landscaped with 2 inch caliper trees planted every 35 feet on center.
- 6.1.6 That no utility boxes be placed within 40 feet of the vehicular access point.
- 6.1.7 That the dumpster be located on the northwest side of the building and be set back behind the front wall of the building. The dumpster shall be constructed out of similar materials as the building and include a visual barrier gate. Chain link with slats is not permitted.
- 6.1.8 The front landscaping setback includes a 2 foot berm and be at least 50% planted with trees, shrubs and flowers.
- 6.1.9 That all exterior lighting on the building matches the architectural style of the building.
- 6.1.10 That all lighting is directed away from the residential neighborhood.
- 6.1.11 That all parking lot lighting matches the lighting installed at the Les Schwab site and Taylor's Bike site.
- 6.1.12 That the site includes amenities such as benches and bike racks.
- 6.1.13 That a 6 foot block wall be constructed along the property line shared with the residential neighborhood to the south and west.
- 6.1.14 That all storm drainage plans be approved by the Taylorsville City Engineer.
- 6.1.15 That final approval is granted by Staff.

6.2 **APPLICANT ADDRESS:** Mr. Kelter thanked the Commissioners and Staff for working with his organization in order to make this project successful. That he has contacted the Boyer Company and acquired sufficient property to allow the whole project to develop on their property. They also have aligned the drive approach with Danube Drive across the street, they have no problem with the continuation of the curb and will work with the Boyer Company to achieve that. He felt that they have now addressed all of the concerns expressed by the Commission and City Staff. Commissioner Hallstrom and Commissioner Barbour commended the applicant on their efforts to make this project work.

6.3 **SPEAKING:** None.

6.4 **MOTION:** Commissioner Hallstrom - I will make a motion to approve Agenda Items #6 and #7 in accordance with staff's recommendations as stated, with the amendment that was added in to include the curb and gutter, whether it be under the conditional use section or with the subdivision, it matters not.

SECOND: Commissioner Rushton-Carlson.

DISCUSSION: Commissioner Calacino - We do have a subdivision and it seems like that is pretty much cut and dried in creating two lots, which will be ample size to accommodate the whole development. There will be full street improvements, regardless of whether it is with the conditional use or the subdivision. As for the conditional use and for the office building, I would just make a suggestion and ask the Commissioners if they would like to add a condition requesting a more detailed landscaping plan be submitted. Commissioner Hallstrom - Staff recommendations require landscape plans and I would just like to leave the landscaping issue up to staff to finalize with the applicant. If it cannot be worked out between them, then bring it back to the Commission at that point. Commissioner Calacino - Okay. One comment on the architecture. Not that I am in disagreement with the staff on addition of the rock but I prefer the building be left as proposed with brick. It may be appropriate to have more brick detailing instead of mixing materials. This motion covers both Applications 2C05 (conditional use) and 11S04 (two lot subdivision). The recommendation is to approve both of them based on the findings and testimony presented and the recommendations outlined by staff. If there are any issues that staff and the applicant cannot work out, it will be brought back to the Commission for decision. The other item is that the curb, gutter and sidewalk be continued as stipulated. I would ask that two separate votes be taken.

VOTE: (Item 2C05 – Conditional Use for new office building)

Commissioner Hallstrom – AYE

Commissioner Rushton-Carlson – AYE

Commissioner Smith – AYE

Commissioner Barbour – AYE

Commissioner Jensen – AYE

Motion passes unanimously

SUBDIVISIONS

7. 11S04 **Ken Kelter, 3269 W. 5400 S.** - Two-Lot Subdivision Amendment. (Nick Norris/
City Planner)

[20:20:25](#)

7.1 **Mr. Norris** oriented on the site plan, aerial map and images. The applicant has requested to subdivide one lot into two lots. The applicant would like to subdivide the 5.26 acres into a piece that is 1.06 and one that is 4.2 acres. The applicant intends to build a single story office building on the 1.06 acre lot for the State of Utah to occupy. The applicant's firm will retain ownership of the building and lease it to the State of Utah. There was an issue with the overall size of the site and how it related to the City's ordinance and there was a question on whether or not their proposal could fit on the lot. They had to actually pave a portion of the property that was on the larger lot, therefore, the Planning Commission did not feel that was appropriate. The applicant has since modified that to include it in their entire site so they can fit their development on their property now. Another previous issue was the alignment with the Danube Drive directly east across 3200 West. They now line up, however, the access on the site is narrower than the public street. **Staff recommends approval with the following conditions:**

7.1.1 The applicant receives approval from all applicable agencies by signature on the preliminary plat.

7.1.2 The subdivision receives final plat approval from City Staff.

7.1.3 That the subdivision is recorded by a means that is consistent with City requirements, including any notes that are required by the Planning Commission, with the Salt Lake County Recorder's Office.

7.1.4 That a copy of the cross access agreements and shared parking agreements be recorded with the subdivision amendment.

7.1.5 That the project receives storm drain approval from the City Engineer.

7.1.6 That the developer bonds for street improvements and pays storm drain fees before recording the plat.

7.1.7 All street improvements required by City Ordinance will also be installed to City standards. This includes all sidewalks, park strips, curb, gutter, street surfaces, curb ramps and tie-ins to existing improvements.

7.1.8 The applicant plants trees in the park strip at a distance of 35 feet on center.

7.1.9 The proposed subdivision obtains approval from the building department on grading requirements.

7.1.10 Any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded with the Salt Lake County Recorder's Office.

7.2 **DISCUSSION:** **Commissioner Hallstrom** asked about the continuation of curb and gutter between this parcel and the one to the north, saying that if the applicant has this continuation of curb along that street, it solves traffic ability and drainage problems. He felt it to be an important condition of approval.

7.3 **MOTION:** **(Approved with Item 6).**

VOTE: **(Item 11S04 – Two Lot Subdivision)**

Commissioner Hallstrom – AYE

Commissioner Rushton-Carlson – AYE

Commissioner Smith – AYE

Commissioner Barbour – AYE

Commissioner Jensen – AYE

Motion passes unanimously

-
8. 2S05 **Jack Lucas, 1435 W. 4800 S.** - Two-Lot Subdivision. (Dan Udall/City Planner)
-

[20:30:32](#)

8.1 Mr. Udall oriented on the site plan, aerial map and images. The applicant is requesting a two-lot simple subdivision. The lot on the north side is to be 13,000 square feet and the lot on the south side is to be 12,717 square feet. There is a single-family home on the north side and a vacant parcel on the south lot. The applicant would also

like to extend the lot to the south 15' to create a 75' wide lot. **Staff recommends approval subject to the following conditions:**

- 8.1.1 Receive approval from and remain compliant with all applicable reviewing agencies.
- 8.1.2 The subdivision receives final plat approval from City staff.
- 8.1.3 The subdivision is recorded by plat and that the plat complies with City Ordinance 12.16.010.
- 8.1.4 The project receives storm drain approval from the City Engineering Department and pays the appropriate drain fees.
- 8.1.5 That any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission. The amendment must then be recorded.
- 8.1.6 **[Changed by Motion]** That ~~curb, gutter,~~ sidewalk and park strip are provided along Woodhaven Drive.
- 8.1.7 That any street lights should be installed if determined by the City Engineer.
- 8.1.8 That a lot line adjustment is provided for the lot to the south.

8.2 **APPLICANT ADDRESS:** **Jack Lucas** was present. Mr. Lucas indicated he believed there was curb and gutter in place but not a sidewalk along Woodhaven Drive. **Commissioner Calacino** advised that would be included as part of the motion.

8.3 **SPEAKING:** None.

8.4 **MOTION:** **Commissioner Rushton-Carlson** - I would move that we approve File #2S05 for a two lot subdivision based on staff's recommendations and testimony that we have heard from the applicant and our discussion in the pre-meeting of the required conditions (including the requirement for sidewalk only along Woodhaven Drive).
SECOND: **Commissioner Barbour.**
VOTE:
Commissioner Hallstrom – AYE **Commissioner Rushton-Carlson – AYE**
Commissioner Smith – AYE **Commissioner Barbour – AYE**
Commissioner Jensen – AYE
Motion passes unanimously

MINUTES: Review/Approval of Minutes for January 11, 2005. (Commissioner Calacino provided the recorder with minor changes he wished to have included).

MOTION: **Commissioner Rushton-Carlson** - I move that we approve the Minutes for January 11, 2005, with changes noted previously.
SECOND: **Commissioner Barbour.**
VOTE:
Commissioner Hallstrom – AYE **Commissioner Rushton-Carlson – AYE**
Commissioner Smith – AYE **Commissioner Barbour – AYE**
Commissioner Jensen – AYE
Motion passes unanimously

INFORMATION ITEM: **Mr. Norris** provided information relevant to an appeal filed by Joshua Pettit regarding the Planning Commission's denial of Application #45C04 (car wash on property at 6210 S. 3200 W.). The City Council will hear the appeal on March 2, 2005.

MEETING REVIEW: Review of City Council meeting. **Commissioners Barbour** and **Overson** attended the most recent City Council meeting. Discussion centered around the car wash decision and Commissioners reiterated they felt their decision was correct based on the amount of erroneous information submitted by the developer in their application. **Commissioner Calacino** advised that he would attend that City Council meeting and represent the Planning Commission as the Chair that evening during the hearing. [20:40:40](#)

ADJOURNMENT: **Commissioner Hallstrom** moved for adjournment at [20:40:50](#).

Respectfully submitted by:

Approved in meeting held: March 8, 2005

Jean Gallegos, Secretary/Recorder
Planning Commission